

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Vadim R. Viviani and Yoshihiro Ohmiya

Continuation of:

Application No.: 09/516,958

Filed: March 1, 2000

Title: NUCLEIC ACID MOLECULES ENCODING RED AND GREEN EMITTING LUCIFERASES

Date: November 14, 2001

Express Mail Label No.

9V005367542US

REQUEST UNDER 37 C.F.R. §1.821(e), REQUEST FOR CORRECTION OF
SEQUENCE LISTING AND PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
BOX PATENT APPLICATION
Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. §1.821(e), it is hereby requested that the computer readable form of the Sequence Listing filed on February 5, 2001 in prior U.S. Application No. 09/516,958, filed March 1, 2000, serve as the computer readable form for the subject application.

As required by 37 C.F.R. §1.821(f), the undersigned hereby states that the content of the Sequence Listing in paper form filed concurrently herewith and the content of the above-referenced computer readable form of the Sequence Listing filed in prior U.S. Application No. 09/516,958 are the same, except as provided below.

An "A" has been inserted at nucleic acid position 1090. The corresponding amino acid is correct as filed and all subsequent amino acids are likewise correct. A redlined version of the original paper copy of the sequence is enclosed to show the addition. It is believed that the amendment does not constitute new matter as the amino acid sequence is correct. Any one of

skill in the art would have been able to identify the error of omission of the single "A" nucleotide at position 1090. The GenBank sequence AF139644 contains this nucleotide. Correction of the error is respectfully requested. Without the correction, the computer generated sequence cannot be done correctly.

Applicants' Attorney submits the following amendments to comply with 37 C.F.R. §1.825:

In the Specification

Please insert the attached "Sequence Listing" (sheets 1/9 through 9/9), and comprising SEQ ID NOS:1-4, into the above-referenced application.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Alice O. Carroll
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Concord, MA 01742-9133
Date: November 14, 2001

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EXPRESS MAIL LABEL NO. 9V005367540US

REMARKS

Box PATENT APPLICATION

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

The above-captioned application is a continuation of application number 09/516,958 filed on March 1, 2000 to which priority is claimed under 35 U.S.C. §120.

The related applications paragraph has been revised to include the priority application information. No new matter has been added.

Claims 1-5 are new.

Request to Delete Figures 1 and 2 in view of Sequence Listing Submission

Applicants respectfully request that Figures 1A-1C and Figures 2A-2C be deleted in view of the sequence listing filed on February 5, 2001 in application 09/516,958. The information is duplicative. Upon approval of the cancellation, Applicants will amend the specification to reflect the cancellation and subsequent renumbering of Figure 3.

Request for Correction of Sequence Listing

A request for correction of the sequence listing was filed in application 09/516,958 but a decision has not yet been reached at the time of filing this application. A similar request is being filed concurrently.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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